

IC 5-2-6

Chapter 6. Indiana Criminal Justice Institute

IC 5-2-6-1

Definitions

Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

"Offender" has the meaning set forth in IC 5-2-12-4.

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

As added by P.L. 46-1983, SEC.1. Amended by P.L. 116-2002, SEC.3.

IC 5-2-6-2

Acceptance of federal act

Sec. 2. The state accepts the provisions and benefits of the Omnibus Act. The governor may administer and coordinate the activities of state departments, state agencies, and local governmental entities with respect to the Omnibus Act.

As added by P.L. 46-1983, SEC.1.

IC 5-2-6-3

Purposes of institute; sex and violent offender directory

Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:

- (A) the prevention, detection, and solution of criminal offenses;
- (B) law enforcement; and
- (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Prescribe or approve forms as required under IC 5-2-12.
- (13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.
- (14) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

As added by P.L.46-1983, SEC.1. Amended by P.L.33-1985, SEC.3; P.L.39-1993, SEC.2; P.L.46-1993, SEC.1; P.L.11-1994, SEC.5; P.L.21-1994, SEC.1; P.L.36-1997, SEC.1; P.L.56-1998, SEC.4; P.L.238-2001, SEC.3; P.L.116-2002, SEC.4; P.L.192-2005, SEC.1.

IC 5-2-6-3.5

Contents of sex and violent offender directory; updates; availability on Internet and computer disk

Sec. 3.5. (a) The sex and violent offender directory established under section 3 of this chapter must include the names of each offender who is or has been required to register under IC 5-2-12.

(b) The institute shall do the following:

- (1) Update the directory at least one (1) time every six (6) months.
- (2) Publish the directory on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(3) Make the directory available on a computer disk and, at least one (1) time every six (6) months, send a copy of the computer disk to the following:

- (A) All school corporations (as defined in IC 20-18-2-16).
- (B) All nonpublic schools (as defined in IC 20-18-2-12).
- (C) All state agencies that license individuals who work with children.
- (D) The state personnel department to screen individuals who may be hired to work with children.
- (E) All child care facilities licensed by or registered in the state.
- (F) A neighborhood association that:
 - (i) registers with the institute;
 - (ii) includes a description of the geographic boundaries of the neighborhood association with its registration;
 - (iii) requests a copy of the directory; and
 - (iv) submits the name and address of a neighborhood association contact person to the institute at least one (1) time each year.
- (G) Other entities that:
 - (i) provide services to children; and
 - (ii) request the directory.

(4) Maintain a hyperlink on the institute's computer web site that permits users to connect to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(5) Make a paper copy of the directory available upon request.

(c) A copy of the directory:

- (1) provided to a child care facility under subsection (b)(3)(E);
- (2) provided to another entity that provides services to children under subsection (b)(3)(F); or
- (3) that is published on the Internet under subsection (b)(2);

must include the home address of an offender whose name appears in the directory.

(d) When the institute publishes on the Internet or distributes a copy of the directory under subsection (b), the institute shall include a notice using the following or similar language:

"Based on information submitted to the criminal justice institute, a person whose name appears in this directory has been convicted of a sex offense or a violent offense or has been adjudicated a delinquent child for an act that would be a sex offense or violent offense if committed by an adult."

As added by P.L.116-2002, SEC.5. Amended by P.L.1-2005, SEC.72; P.L.64-2005, SEC.1; P.L.177-2005, SEC.12.

IC 5-2-6-4

Board of trustees; membership; terms

Sec. 4. (a) The board of trustees is composed of:

- (1) the governor, or his designee, who shall act as chairman;
- (2) the attorney general, or his designee;
- (3) the superintendent of state police, or his designee;

- (4) the commissioner of the department of correction, or his designee;
- (5) the executive director of the prosecuting attorneys council;
- (6) the executive director of the judicial center;
- (7) the executive director of the public defenders council;
- (8) the state public defender;
- (9) eight (8) persons who are appointed by and who serve at the pleasure of the governor, including:

- (A) one (1) sheriff;
- (B) one (1) chief of police;
- (C) one (1) judge of a court with both juvenile jurisdiction and general criminal jurisdiction; and
- (D) five (5) citizens who have manifested an interest in criminal or juvenile justice, one (1) of whom shall be a member of the state advisory group under the Juvenile Justice Act.

(b) The president pro tempore of the senate, or a senator appointed by him, and the speaker of the house of representatives, or a representative appointed by him, may serve as nonvoting advisors to the trustees.

(c) Trustees appointed by the governor serve an initial three (3) year term and may be reappointed for additional terms. The additional terms may be four (4) years in length.

(d) Membership on the board of trustees does not constitute holding a public office.

As added by P.L.46-1983, SEC.1.

IC 5-2-6-5

Board of trustees; duties; meetings; compensation; research and information consortium

Sec. 5. (a) The institute is composed of:

- (1) the trustees; and
- (2) a research and information consortium.

(b) The trustees shall:

- (1) evaluate and disseminate to the public information concerning the cost and effectiveness of the criminal and juvenile justice systems;
- (2) promote coordination and cooperation for the effective administration of the criminal and juvenile justice systems;
- (3) establish plans for the criminal and juvenile justice systems and make recommendations concerning the implementation of these plans;
- (4) encourage and assist in the organization of an academic consortium for the purpose of engaging in research;
- (5) receive, expend, and account for state funds made available for the purposes of this chapter;
- (6) apply for and accept gifts and grants (which must be administered as public funds) made for the purposes of this chapter;
- (7) enter into lawful agreements as required as a condition for

receiving gifts, grants, or other funds for the purposes of this chapter;

(8) employ a director (or directors of divisions) and any necessary staff;

(9) adopt rules, under IC 4-22-2, necessary to carry out the purposes of this chapter;

(10) promulgate guidelines concerning participation in the research and information consortium.

(c) The research and information consortium is composed of state institutions of higher education that are engaged in criminal or juvenile justice research under the direction of the trustees. A state or local governmental entity may participate in the consortium. The consortium shall act as an advisory body to the institute and perform other related functions as requested by the trustees.

(d) The trustees shall meet quarterly and at such times as called by the chairman. A majority of the trustees constitutes a quorum for doing business. A majority vote of the trustees is required for passage of any matter put to a vote. The trustees shall establish procedures and requirements with respect to the place and conduct of their meetings.

(e) A trustee is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing his duties. A trustee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with his duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.46-1983, SEC.1. Amended by P.L.46-1993, SEC.2.

IC 5-2-6-6

Board of trustees; controversies between institute and local entities; determination

Sec. 6. The trustees shall make the final determination on any controversy between the institute and any local governmental entity or entitlement jurisdiction on local program priorities and grants, subject to the procedures and applications for review as required by the Omnibus Act and the Juvenile Justice Act.

As added by P.L.46-1983, SEC.1.

IC 5-2-6-7

Assistance; requests by governor

Sec. 7. The governor may request the assistance of any person, agency, entitlement jurisdiction, local governmental entity, or any state or federal department in order to carry out the purposes of this chapter.

As added by P.L.46-1983, SEC.1.

IC 5-2-6-8

Criminal, juvenile justice, and research divisions; administration; approval of official actions

Sec. 8. (a) The institute has the following four (4) divisions:

- (1) The criminal justice division.
- (2) The juvenile justice division.
- (3) The research division, which may be referred to as the center for criminal justice research and information.
- (4) The victim services division.

(b) The chairman of the trustees shall assign each of the trustees to participate in the administration of at least one (1) of the divisions. The chairman shall annually appoint four (4) vice chairmen, each of whom shall preside over a division of the institute.

(c) Each division shall primarily concern itself with:

- (1) the operation of the criminal justice system, the juvenile justice system, or criminal justice system related research; or
- (2) the provision of victim services.

However, the trustees must approve any official action of the institute unless the trustees authorize a division to act with respect to specific decisions.

As added by P.L.46-1983, SEC.1. Amended by P.L.46-1993, SEC.3; P.L.47-1993, SEC.1; P.L.2-1995, SEC.14.

IC 5-2-6-9 Repealed

(Repealed by P.L.4-1988, SEC.5.)

IC 5-2-6-10

Funds; disbursement

Sec. 10. The institute may disburse federal and state funds available for the purposes of this chapter to entitlement jurisdictions or local governmental entities if the jurisdiction or entity:

- (1) makes proper application for the funds; and
- (2) agrees to provide the required matching funds.

As added by P.L.46-1983, SEC.1.

IC 5-2-6-11

Funds; joint or cooperative applications; agreements

Sec. 11. Any two (2) or more local governmental entities or entitlement jurisdictions may enter into agreements with one another for joint or cooperative action for the purposes of applying for, receiving, disbursing, allocating, and accounting for grants of funds made available by the United States government under Section 402(a)(5) of the Justice System Improvement Act of 1979, and for any state funds made available for that purpose. Such agreements must include the proportion of the amount of required local funds that shall be supplied by each such local governmental entity or entitlement jurisdiction. Such agreements may include provisions for the appointment of any officer or employee of one (1) of the units or jurisdictions to serve as the collection and disbursement officer for all of the units.

As added by P.L.46-1983, SEC.1.

IC 5-2-6-12

Funds; actions by state for recovery

Sec. 12. If any local governmental entity or entitlement jurisdiction fails to appropriate or pay the funds that it agrees to provide in its application for federal or state funds under this chapter, if any person fails to legally disburse or account for funds received under this chapter, or if any person embezzles, misappropriates, conceals, or obtains by fraud funds under this chapter, the institute shall refer the matter to the attorney general. The attorney general may bring suit in the name of the state to recover these funds for the benefit of the state or a local governmental entity or entitlement jurisdiction.

As added by P.L.46-1983, SEC.1. Amended by P.L.33-1985, SEC.4.

IC 5-2-6-13**Repealed**

(Repealed by P.L.4-1988, SEC.5.)

IC 5-2-6-14**Victim and witness assistance fund; establishment; source; use**

Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) establish and maintain the sex and violent offender directory under IC 5-2-12;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

As added by P.L.33-1985, SEC.5. Amended by P.L.36-1990, SEC.1; P.L.1-1994, SEC.15; P.L.11-1994, SEC.6; P.L.56-1998, SEC.5; P.L.116-2002, SEC.6; P.L.64-2005, SEC.2.

IC 5-2-6-15

Repealed

(Repealed by P.L.12-1990, SEC.10.)

IC 5-2-6-16

"Local coordinating council"; commission for a drug free Indiana

Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsections (d) and (e) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

- (1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.
- (2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.
- (3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.
- (4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.
- (5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.
- (6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local

level to reduce drug abuse.

(7) Assisting local communities in the development of citizen based drug related crime control efforts.

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee.

(2) Fifteen (15) members appointed by the governor for a two (2) year term, who have experience or expertise in at least one

(1) of the following areas:

(A) Family relations.

(B) Religion.

(C) Education.

(D) Civic or private organizations.

(E) Business.

(F) Media.

(G) Drug treatment.

(H) Medicine.

(I) Local government.

(J) Judiciary.

(K) Law enforcement.

(L) Self-help organizations.

(M) Youth.

(N) A representative of the interagency council against drugs established under subsection (c)(1).

(O) Labor.

(e) Four (4) members of the general assembly shall serve as nonvoting members of the commission. The president pro tempore of the senate shall appoint two (2) senators, both of whom may not be members of the same political party. The speaker of the house of representatives shall appoint two (2) representatives, both of whom may not be members of the same political party.

(f) The governor or the governor's designee shall serve as the chairman of the commission.

(g) The commission shall meet one (1) time per month at the call of the chairman.

(h) Eight (8) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(i) All appointments of the commission's members are renewable.

(j) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) A member of the commission who is a state employee is

entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.39-1991, SEC.1.

IC 5-2-6-17

Meth watch program

Sec. 17. In consultation with the state police department and other law enforcement agencies, the institute shall operate and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
As added by P.L.192-2005, SEC.2.